

ORDINANCE NO. _____

An ordinance to amend Title 17 of the Metropolitan Code of Laws, the Zoning Ordinance of The Metropolitan Government of Nashville and Davidson County, by changing from AR2a to SP zoning for property located at Tusculum Road (unnumbered), at the southeast corner of Benzing Road and Tusculum Road (27 acres), to permit 196 multi-family residential units, all of which is described herein (Proposal No. 2019SP-032-001).

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That Title 17 of the Code of Laws of The Metropolitan Government of Nashville and Davidson County, is hereby amended by changing the Official Zoning Map for Metropolitan Nashville and Davidson County, which is made a part of Title 17 by reference, as follows:

By changing from AR2a to SP zoning for property located at Tusculum Road (unnumbered), at the southeast corner of Benzing Road and Tusculum Road (27 acres), to permit 196 multi-family residential units., being Property Parcel No. 056 as designated on Map 162-00 of the Official Property Identification Maps of The Metropolitan Government of Nashville and Davidson County, all of which is described by lines, words and figures on the plan that was duly considered by the Metropolitan Planning Commission, and which is on file with the Metropolitan Planning Department and Metropolitan Clerk's Department and made a part of this ordinance as though copied herein.

Section 2. Be it further enacted, that the Metropolitan Clerk is hereby authorized and directed, upon the enactment and approval of this ordinance, to cause the change to be made on Map 162 of said Official Zoning Map for Metropolitan Nashville and Davidson County, as set out in Section 1 of this ordinance, and to make notation thereon of reference to the date of passage and approval of this amendatory ordinance.

Section 3. Be it further enacted, that the uses of this SP shall be limited to 196 multi-family residential units.

Section 4. Be it further enacted, that the following conditions shall be completed, bonded or satisfied as specifically required:

Conditions

1. With the final site plan, indicate the location of a recreation facility. The type shall be determined in coordination with planning staff.
2. On the corrected copy, correct the fallback zoning to RM9-A.

3. On the corrected copy, modify the Benzing Road open space note where vegetation is indicated to be retained: Vegetation to remain except as needed to be removed for future sidewalk.
4. The final site plan shall include direct pedestrian access to all of the units.
5. The final site plan shall include one or more shared entries from the northern stacked flats building to Tusculum Road.
6. The final site plan shall include an internal pedestrian network that connects all units to the public sidewalks.
7. The final site plan shall itemize the bedroom counts. Parking shall be provided per Metro Parking Requirements.
8. Should the adjacent PUD on parcel 055 develop and install public sidewalks prior to development of the SP site, a public sidewalk and grass strip will no longer be required to be installed along the frontage of parcel 055 as part of this SP. However, public sidewalks shall be installed along the project frontage as required and connect to the public sidewalk in front of parcel 055. With the submittal of the final site plan, a tree protection plan shall be provided to indicate preservation of trees where existing vegetation is noted to be retained on the preliminary SP.
9. Areas reserved for bioretention and stormwater management shall be designed as an amenity in addition to their other functions, including any stormwater treatment areas located at the front of the site, visible from Tusculum Road and Benzing Road.
10. The final site plan shall depict the required public sidewalks, any required grass strip or frontage zone and the location of all existing and proposed vertical obstructions within the required sidewalk and grass strip or frontage zone. Prior to the issuance of use and occupancy permits, existing vertical obstructions shall be relocated outside of the required sidewalk. Vertical obstructions are only permitted within the required grass strip or frontage zone.
11. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
12. The final site plan shall label all internal driveways as "Private Driveways". A note shall be added to the final site plan that the driveways shall be maintained by the Homeowner's Association.
13. Comply with all conditions and requirements of Metro reviewing agencies.
14. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

Section 5. Be it further enacted, a corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.

Section 6. Be it further enacted, minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent

with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

Section 7. Be it further enacted, if a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM9-A zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.

Section 8. Be it further enacted, that this ordinance take effect immediately after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

Councilmember Fabian Bedne

2019SP-032-001

TUSCULUM CROSSINGS SP

Map 162, Parcel(s) 056

Subarea 12, Southeast

District 31 (Bedne)

Application fee paid by: American Dream Developers, Inc.

A request to rezone from AR2a to SP zoning for property located at Tusculum Road (unnumbered), at the southeast corner of Benzing Road and Tusculum Road (27 acres), to permit 196 multi-family residential units, requested by Dale and Associates, applicant; American Dream Developers, Inc., owner.

